

STATEMENT OF FACTS

Your affiant, Michael D. McCoy, is a Special Agent with the Federal Bureau of Investigation (FBI) and has been in this position since September 2019. As a Special Agent, I am authorized by law to engage in or supervise the prevention, detention, investigation, or prosecution of violations of Federal criminal laws. I am currently tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021.

Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as "on or about" dates.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol Building, and the U.S. Capitol Police were present and attempting to keep the crowd away from the U.S. Capitol Building and the proceedings underway inside.

At such time, the certification proceedings were underway, and the exterior doors and windows of the U.S. Capitol Building were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the U.S. Capitol Building; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol Building by breaking windows and assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President

Mike Pence, were instructed to and evacuated the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol Building from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol Building without authority to be there.

As detailed below, while investigating the events of January 6, 2021, law enforcement learned that Roy Nelson Franklin (Franklin) of Springfield, Illinois, traveled to the District of Columbia to participate in a rally and protest at or near the U.S. Capitol Building and gained entry inside the U.S. Capitol Building on January 6, 2021.

On January 7, 2021, the global news and lifestyle publication *Insider* published an article by Abigail Higgins on the internet titled “Men who joined in violently storming the U.S. Capitol describe a carnival atmosphere inside.”¹

The article reported that Roy Franklin, 65, traveled from Springfield, Illinois for a rally at the U.S. Capitol on January 6, 2021, and was one of the first people to set foot in the U.S. Capitol. The article described Franklins’ account as follows:

- a. The article reported Franklin was at the bottom of the steps of the U.S. Capitol Building around 2 p.m., pressed close to the police barricades. Hundreds of rioters behind him were pushing forward so hard that Franklin tripped and fell onto an officer. The article quoted Franklin stating that “the officer barely reacted”.
- b. Franklin saw people scaling the scaffolding on the side of the building and followed them.
- c. The article reported when Franklin got to the top, he observed rioters smash a window on the building ahead of him and make entry. The same rioters began opening doors and letting people inside the U.S. Capitol, including Franklin.
- d. The article reported Franklin followed the mob down the hallway and onto the floor of the chamber. Inside, a shirtless man with an animal skin headdress and his face painted red, white, and blue stood at the speaker's chair, wielding a bullhorn, and flexing his biceps.
- e. In the article, Franklin concluded that the day had been “fun.”
- f. The article reported Franklin stating, “But I think that even if we had burned it down to the ground, Congress still wouldn’t have listened to us.”

¹ <https://www.insider.com/men-who-broke-into-the-capitol-describe-a-carnival-atmosphere-2021-1>.

Your affiant conducted public record database checks which revealed a Roy Franklin (65 years of age), with a last known address including a street name and number located in Springfield, Illinois (the Residence).

On January 8, 2021 your affiant conducted a drive by spot check of the Residence and observed a 2013 Buick Encore, Illinois license plate number xxx 56 driven by Franklin which exited an attached garage near the Residence. A check of vehicle registration records revealed a female as the owner of a red 2013 Buick Encore, Illinois license plate and registered to the Residence in Springfield, Illinois. That same female is the property owner of the Residence and currently lives at this address with Franklin, with whom she has a relationship. Based upon open source records, as well as your Affiant's contact with Franklin on February 4, 2021 at the Residence, described below, I have determined that that Franklin uses the Residence as his abode. Furthermore, the phone number associated with Franklin is a landline number that Franklin and the female owner of the Residence have listed for public aid benefits. Franklin also has bank accounts connected to his benefits identifying the Residence.

On February 4, 2021, Roy Nelson Franklin was present at the Residence, and your affiant attempted to interview Franklin while executing a search warrant for Franklin's companion, Thomas B. Adams Jr. (Adams) at Adams' separate residence. Adams was previously charged with 18 U.S.C. §§ 1752(a)(1) and (2), 18 U.S.C. § 1512(c)(2), and 40 U.S.C. §§ 5104(e)(2)(D) and (G) for his conduct at the United States Capitol on January 6, 2021. Adams and Franklin were together most, if not all, of the time and engaged in similar conduct. Based on my observations during the attempted interview, and based on the conversation between Franklin and his significant other with whom he resides at the Residence, Franklin lives at the Residence as well with the female owner.

On April 13, 2021, your affiant executed a search warrant at the Residence where Roy Nelson Franklin was present. During the execution of the search warrant, Roy Nelson Franklin and his significant other talked about missing a phone call because the phone was in Franklin's pocket. Your affiant overheard the conversation between Franklin and his significant other. Franklin admitted to travelling to Washington, D.C., entering the U.S. Capitol Building through a door on the side of the U.S. Capitol Building. He told his companion that he wanted a copy of the video of him praying on the Senate Floor. Your affiant has reviewed video tape footage of an individual named Jacob Chansley a/k/a the QAnon Shaman who led a prayer on the Senate Floor on January 6, 2021. Your affiant has reviewed video footage which shows that Franklin and Adams were several feet away from Chansley when he recited the prayer. Franklin also told his significant other that while he was on the Floor of the Senate he told everybody that this is our house we don't want to tear it up. Franklin said you had to be there the whole thing was fun. He told his significant other words to the effect "I admit I was there, and I am proud of the fact that I was there, and stood up for a cause that I believed in. I have no problem with that. It was not about Trump; it was about stealing the election."

During the search of the Residence, your affiant seized from the Residence: a red, white, and blue, Trump 2020 Keep America Great flag, a plaid patterned shirt, a Nike sweatshirt, a US

Cellular flip phone, and a Dell Desktop, and from the person of Roy Franklin: a pair of Nike shoes, and a ballcap labeled United States of America with a flag in the center. The flag, shirt, sweatshirt, shoes, and ballcap were items Roy Nelson Franklin had on his person while inside the U.S. Capitol Building in Washington, D.C. on January 6, 2021.

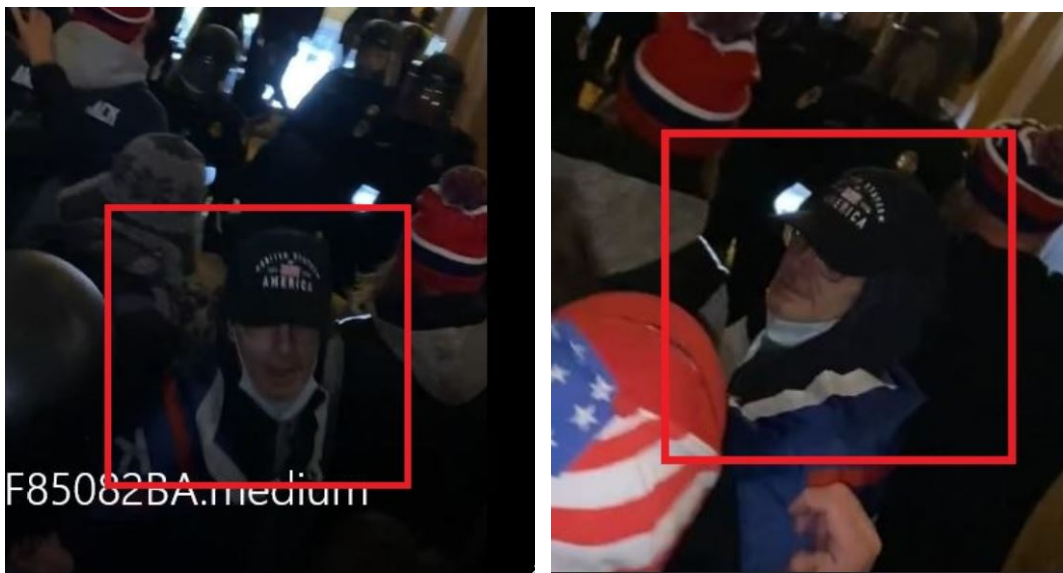
Your affiant reviewed the information from Adams' case that was obtained from a Federal Search Warrant that was executed at Adams' dwelling in Springfield, Illinois on February 4, 2021. In the contacts section tab of Adam's cell phone, an entry exists for Roy Nelson Franklin. Adams had two phone numbers in the details section tab for Roy Nelson Franklin that were labeled, home phone number xxx-xxx-1634, and mobile phone number xxx-xxx-9961. In the voicemail section tab of Adam's cell phone, a voice message was received from contact Roy Franklin with phone number xxx-xxx-9961 on January 20, 2021. Another voice message was received from contact Roy Nelson Franklin with phone number xxx-xxx-1634 on February 4, 2021.

In the media section tab of Adam's cell phone, there are several videos of recorded activity not only outside the U.S. Capitol Building, but also inside the U.S. Capitol Building in Washington, D.C. In one video, a man matching Roy Nelson Franklin's description was seated in a chair wearing a black hooded sweatshirt, a black hat, and a blue Trump flag in his hands. In another video, a man matching Roy Nelson Franklin's description was standing on the Senate Floor wearing a black hooded sweatshirt, a black hat, and a blue Trump flag in his hands. Photos below are screen captured images of Adam's cell phone video referenced above, in which a man matching Roy Nelson Franklin's description, was inside the U.S. Capitol Building in Washington, D.C. on January 6, 2021.





Additionally, during the interview of Thomas B. Adams Jr., Adams paused a video on his cell phone and pointed to a white male with glasses, wearing a black hooded sweatshirt, a black hat, and a blue Trump flag around his neck and back and stated that individual was Franklin. Below are those screen shots that Adams identified Franklin being inside the U.S. Capitol Building in Washington, D.C. on January 6, 2021.



Lawfully obtained phone records reflect that Franklin's known phone number was in the area of the U.S. Capitol Building during the time of the Capitol riots. This location information for the known Roy Nelson Franklin phone number is consistent with Franklin being present in or near where the offenses described and depicted above occurred on January 6, 2021.

Your affiant reviewed footage recorded on January 6, 2021 from Senate TV cameras located inside the U.S. Capitol Building in Washington, D.C. Your affiant located the footage that included video recordings that match (from a different angle) the video taken by Adams of Roy Nelson Franklin on the Senate Floor on January 6, 2021. Photos below are screen captured images of Senate TV camera video referenced above, in which show Franklin on the Senate Floor inside the U.S. Capitol Building in Washington, D.C. on January 6, 2021.





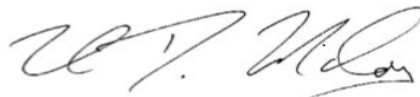
Your affiant has fully identified the above described individual as Roy Nelson Franklin of Springfield, Illinois as the individual who entered the U.S. Capitol Building on January 6, 2021 and entered onto the floor of the United States Senate with Adams. In addition to being present when Roy Nelson Franklin confessed to being on the Senate Floor of the United States Capitol Building on January 6, 2021, I have reviewed Franklin's Illinois Identification card, interacted with him personally, and seen substantial video footage of Roy Nelson Franklin in the U.S. Capitol Building on January 6, 2021 and can identify Roy Nelson Franklin as the person depicted in the above referenced photographs. Roy Nelson Franklin's co-defendant Adams also identified Franklin as being present in the U.S. Capitol Building on January 6, 2021. An acquaintance also said "looks like Roy to me, definitely his build" when shown a photograph of Franklin inside the U.S. Capitol Building. The acquaintance said that he/she was 50% confident the person shown in the U.S. Capitol Building (with his face partially obstructed) was Roy Nelson Franklin. The acquaintance also mentioned that other acquaintances informed him/her that "Roy went to the U.S. Capitol" meaning Roy Franklin. Yet another person commented when shown a photograph of Franklin's face inside the U.S. Capitol Building that he/she was 60% confident the person shown in the U.S. Capitol Building (with his face partially obstructed) was Roy Nelson Franklin.

Based on the foregoing, your affiant submits that there is probable cause to believe that Roy Nelson Franklin violated 18 U.S.C. §§ 1752(a)(1) and (2), which make it a crime to (1)

knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions or attempts or conspires to do so. For purposes of Section 1752, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Roy Nelson Franklin violated 18 U.S.C. § 1512(c)(2), which make it a crime to corruptly (2) otherwise obstruct, influence, or impede any official proceeding, or attempts to do so.

Finally, your affiant submits there is also probable cause to believe that Roy Nelson Franklin violated 40 U.S.C. §§ 5104(e)(2)(D) and (G), which make it a crime to willfully and knowingly (D) engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress, and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Michael D. McCoy, Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 2nd day of November 2021.

U.S. MAGISTRATE JUDGE